

# MINUTES

Colorado State Board of Dental Examiners

OPEN - FULL SESSION

July 10, 2008 – 8:31 A.M.

1560 Broadway, 9<sup>th</sup> Floor Common Conference Room,  
Denver, CO 80202

## I. CALL TO ORDER

**MEMBERS PRESENT:** F. Robert Murphy, D.D.S., Board Chairperson; Elizabeth Thompson, RDH., Board Vice-Chairperson; Laura Jacob, RDH.; Jeffrey Astroth, D.D.S.; G.; Catherine Hakala, D.D.S.; Duane Takaki, D.D.S.; Melanie Names, J.D.; Joyce Reedy, RDH. and Brian Davidson, M.D.

**MEMBERS ABSENT:** Steven A. Tilliss, D.D.S., M.S.; Garo Chalian, D.D.S. and Eve Bluestein, M.D., D.D.S

**STAFF PRESENT:** Maulid Miskell, Program Director; Susan Miller, Section Director; Susan Machmer, Assistant Attorney General; Leanne Clasen, Program Assistant; Jessica Lehew, Administrative Assistant; Abi Gaskins, Compliance Monitor; Jeff Kramer and Ronnie Hines

## II. MINUTES AND AGENDA

A motion was made, seconded and carried to **approve with additions the July 10, 2008 Open Full Board Agenda.**

A motion was made, seconded and carried to **approve as amended the April 23, 2008 Open Full Board Minutes.**

A motion was made, seconded and carried to **approve as written the June 4, 2008 Rules and Regulation Committee Meeting Minutes.**

A motion was made, seconded and carried to **approve as written the June 5, 2008 Professional Standards Committee Meeting Minutes.**

## III. SPECIAL COMMITTEES

**RULES & REGULATIONS: Rule XXVI: Advertising** – Further discussion from Rules and Regulations Committee Meeting. Materials provided. A motion was made, seconded and carried to **move to Executive Session at 10:17 a.m.** A second motion was made seconded and carried to **move back to Open Session at 10:45 a.m.** A third motion was made, seconded and carried to **proceed towards a Rule Making Hearing on Rule XXVI as amended on October 22, 2008.**

**Ethics** – Additional information from the ADA. **Board noted.**

**Verification of Claims in Advertisements** - E-mail from Dr. F. Robert Murphy dated July 8, 2008. **Board noted.**

**AGD ADVOCACY** – E-mail dated June 12, 2008, from Vincent C. Mayher, D.M.D., President, Academy of General Dentistry. AGD Fellowship and Mastership Info Sheets. **Board noted.**

**ADA, Tooth Whitening Conference Call** – E-mail from Laretta Allen dated July 1, 2008. A motion was made, seconded and carried to **table.**

**Teeth Whitening** – E-mail from Roberta Jo Broman, RDH dated July 6, 2008. A motion was made, seconded and carried to **table** this issue for discussion at the next Full Board meeting on October 22, 2008 at 1:00 p.m.. The Program Director will share additional information from the AADE Annual Meeting.

## IV. REPORTS

## PROFESSIONAL ASSOCIATIONS

**AADE** – E-mail dated June 25, 2008, from Bernice Cogshell on behalf of Dr. Richard D. Smith, Chairman. Call for comments regarding draft “evaluation Guidelines for Allegations of Medication Use, Drug Diversion and Substance-related Impairment of the Dental License.” A motion was made, seconded and carried to have **Peer Assistance Services review and give the Board their comments.**

**ADEX – 3<sup>RD</sup> Annual Meeting** proceedings and highlights of the ADEX House of Representatives, June 15, 2008, Orlando, FL. **Board noted.**

**ADEX** – Verbal report given by Elizabeth Thompson, RDH, on the ADEX/NERB Hygiene Exam. **Board noted.**

**ADEX** – 2007-2008 ADEX Annual Report. **Board noted.**

**WREB** – News letter and Annual Report for 2007 dated July 2008. **Board noted.**

## PEER ASSISTANCE

**PAS 3<sup>ND</sup> QUARTER REPORT** – Presented by Donna Lindsay, Alternative Programs Director. **Board noted.**

**SIGNED STIPULATION/FINAL AGENCY ORDERS; CEASE  
& DESIST ORDERS; UNCONTESTED LETTERS OF  
ADMONITION AND CLOSURE OF STIPULATIONS**

**Board noted.**

SIGNED STIPULATION/FINAL AGENCY ORDERS; CEASE AND DESIST  
ORDERS

(From April 17, 2008 to June 24, 2008)

### 1. Signed Stipulations and Final Agency Orders

ANARAKI, Hengameh, DDS, #8242 Case # 2008-000462  
Stipulated Letter of Admonition and Final Agency Order, effective May 9,  
2008

ELLINGSON, Gary R., DDS, #3560 Case #2007-000286  
Stipulation and Final Agency Order, effective April 24, 2008

KOMANDURI, Krishna C. DDS, #6800 Case #2006-002613  
Stipulation and Final Agency Order, effective May 14, 2008

MATERON, Juan, DDS, #7568 Case #2008-000784  
Stipulation for Interim Cessation of Practice, effective May 16, 2008

PRIMA, Henno, DMD, #8539 Case #2008-001263  
Stipulated Letter of Admonition and Final Agency Order, effective April 18, 2008

RODRIGUEZ, Leopoldo, DDS, #2481 Case #2008-3351  
Stipulated Cease and Desist Order, effective May 5, 2008

TOMLINSON, Kathy J. DDS, #8412 Case #2007-001578  
Stipulation and Final Agency Order, effective May 16, 2008

WOODS, Joseph, A. DDS, #104195 Case #2006-000537  
Stipulation and Final Agency Order, effective June 23, 2008

UNCONTESTED LETTERS OF ADMONITION and CLOSURE OF STIPULATIONS

(From April 17, 2008 through June 24, 2008)

*1. Closed Stipulations*

CALDERONE-KIDD, Joesolyn D.D.S., #7524 Case #2005-004539

Stipulation and Final Agency Order, closed April 23, 2008

MORESCHINI, Richard C., D.D.S., #105423 Case #2006-003153

Stipulated Letter of Admonition, closed April 17, 2008

LOUSTALET-MUNDY, Lorraine A. D.D.S., #6187 Case #2005-000205

Stipulation and Final Agency Order, closed April 23, 2008

PHAM, David P. H. D.D.S., #7074 Case #2005-000856

Stipulation and Final Agency Order, closed April 23, 2008

RODRIGUEZ, Leopoldo, D.D.S., #2481 Case #2008-003351

Order to Vacate Cease and Desist Order, effective June 23, 2008

SHELDON, Lisa A. D.D.S., #9064 Case #2007-002825

Stipulated Letter of Admonition, closed May 28, 2008

SMITH, J. Edwin, Jr. D.D.S. #3515 Case #2005-4063, 2005-4797 and 2007-2070

Stipulated Letter of Admonition, closed May 28, 2008

MISCELLANEOUS

**ANESTHESIA** – Materials to be provided by Eve Bluestein, M.D., D.D.S. A motion was made seconded and carried to **table and refer to Rules and Regulations Committee for review in August.**

**BOTOX** – Further discussion from Rules and Regulations Committee Meeting. Materials provided. **Board noted.**

**PETER QUI, DDS** - June 16, 2008, E-mail from Peter Qui, DDS re: Botox. – A motion was made, seconded and carried to **refer Dr. Qui to the Dental Practice Act for guidance and to check with his insurance carrier.** The Board is still engaged on discussing this topic.

**SMOKING CESSATION** – Further discussion from Rules and Regulations Committee Meeting. Materials provided. A motion was made, seconded and carried that the Board recognizes that the treatment of smoking cessation is **within** the scope of dental and dental hygiene practice, however, prescribing any medication is solely within the scope of dentistry. Board is to adopt a policy.

**PETITION FOR ACUPUNCTURE** – E-Mail dated June 11, 2008, from John Rothchild, D.D.S. A motion was made, seconded and carried to **refer Dr. Rothchild to the Acupuncture and Chiropractic Practice Acts for guidance.**

**MICHEL ABOU-OBEID** – Request for acceptance of NERB Exam in order to apply for licensure in 2009. E-mail dated June 4, 2008 from Michel Abou-Obeid. A motion was made, seconded and carried to **inform Mr. Abou-Obeid's that once he receives his US accredited dental degree he may then apply for dental licensure. His passing scores will be accepted at that time.**

**CHART CONVERSION TO ELECTRONIC RECORD** - E-mail dated June 20, 2008, from Brandie Keeler-Reagan. The Board referred Ms. Keeler-Reagan to the Rules and to consult with her attorney. The Board also encourages all additional correspondence to be kept until the issue is further addressed.

**USE OF LASERS BY DENTAL HYGIENIST** – E-mail dated June 20, 2008, from Amparo Tang. The Board’s answers are as follows:

- 1) Yes, dental hygienists are allowed to use lasers when performing soft tissue curettage or periodontal therapy.
- 2) No, supervision is required.
- 3) Please review the § 12-35-124 (1)(b), CRS.
- 4) Cannot answer at this time if hygienists are allowed to use a laser when bleaching/whitening teeth. The Board does not regulate instruments.

**SYMBYOS** – Letter dated June 5, 2008, from Thomas J. Greany, D.D.S. **Board noted.**

**AMERICAN BOARD OF PEDIATRIC DENTISTRY** – Use of ‘Board Eligible’ language. Letter dated May 19, 2008, from Arthur J. Nowak, D.M.D. **Board noted.**

**WREB UPDATE IN KANSAS** – E-mail dated June 26, 2008, from Roger Boltz. **Board noted.**

**DANB** – E-mail dated, June 18, 2008, from Cynthia C. Durley, MEd, MBA, Executive Director of DANB. State comparison tables regarding fluoride application and Coronal polishing. **Board noted.**

**EDDA LICENSING/COMPETENCY** – E-mail dated June 17, 2008, from Jeffrey Astroth, D.D.S. **Board informed the Colorado Dental Assistants Association that this is not a Board issue but rather a legislature issue and should therefore address their concerns with the state legislators.**

**CPAP THERAPY** – E-mail dated July 3, 2008 from Alice Kaniff, DDS. A motion was made, seconded and carried to **deny. The diagnosis and treatment of Sleep Apnea is not within the scope of dentistry but rather falls within the scope of medicine.**

**NOTICE OF HOUSE BILL 08-1134** – Draft of House Bill 08-1134 letter. **Board authorized Board staff to proceed with developing an appropriate form.**

**BOARD CONSULTANT POLICY 1.F.** – Discussion with materials. A motion was made, seconded and carried to amend Policy 1.F. by **removing “in the state of Colorado”.**

**VII. ADJOURNMENT:** The July 10, 2008 Open Full Board meeting of the Colorado State Board of Dental Examiners adjourned at 12:17 p.m. The next meeting will be conducted on October 22, 2008 at 1:00 p.m.

**Subcommittee Assignments & Activities Log**

**A-date** = date assigned to committee  
**B-date** = date completed by committee & sent to the full board for review  
**R-date** = date returned to committee for additional considerations  
**C-date** = date project completed  
**D-date** = date deleted

<b>Rules &amp; Regulations, &amp; Jurisprudence</b>	<b>Professional Standards</b>
<u>Members</u> Elizabeth Thompson, RDH. Brian Davidson, M.D. Eve Bluestein, M.D., D.D.S. Steven Tilliss, D.D.S., M.S. Duane Takaki, D.D.S. G. Garo Chalian, D.D.S. F. Robert Murphy, D.D.S.	<u>Members</u> Jeffrey Astroth, D.D.S. Melanie Names, JD Laura Jacob, RDH. Catherine Hakala, D.D.S. Joyce Reedy, RDH. F. Robert Murphy, D.D.S.
<b>ISSUES</b>	<b>ISSUES</b>
<ul style="list-style-type: none"><li>• Anesthesia – A - 4/08</li><li>• Professional Protector Plan – A - 4/08</li><li>• Botox – A - 4/08, B - 7/08</li><li>• Advertising – A - 4/08 - B - 7/08</li></ul>	<ul style="list-style-type: none"><li>• Peer Review Procedure Review</li><li>• HIPAA and Amending Patient Records</li><li>• Functions delegated according to the Colorado Dental Practice Act</li><li>• Practice Monitor Form – A - 4/08</li></ul>

**Finished issues - Rules & Regulations, & Jurisprudence:**

- Practice Monitor Immunity from Civil Action – **C-4/97**
- 5 years clinical experience in the US for credentials applicants – **C-4/97**
- Qualification of DH/Auxiliaries to administer N20 upon graduation - **C-4/97**
- Delete requirements for patient address from Rule VI – A-1/97, **C-2/97**
- Requirement of the 5 yrs of clinical experience for credentials applicant to be in the US or one of its territories – A-1/97, **C-4/97**
- Immunity from civil action for practice monitors – A-1/97, **C-4/97**
- Qualification of DH/Auxiliary upon graduation from a school, which provides an approved course – A-1/97, **C-4/97**
- Jurisprudence test review – A-1/97, **C-7/97**
- Review of Rules XIV and XVII – A-8/97, **C-9/97**
- Patient records release when there are multiple office locations – A-3/98, **C-11/98**
- Proposed rule on patient records retention – A-8/97, C-9/97, R-6/98, **C-11/98**
- Rules regarding the duties and abilities of denturists – A-10/97, **C-11/98**
- Denturists, advertisements and direct sales to the public – A-1/97, (transferred committees) 11/97, **C-11/98**
- Review of policies – A-1/99, **C-2/00**
- Anesthesia Rules –A-1/99, **C-6/00**
- Statutory requirements for graduation – A-8/99, **C-12/00**
- Peer Assistance Funding – A-6/99, **C-6/01**
- Protocol to follow after Summary Suspension – A-6/99, **C-9/02**
- Scaling and root planning policy – A-9/01, **C-9/01**
- Review of Rules VI and XV – A-6/01, **C-9/02**
- Anesthesia Rules – A- 6/03, **C - 10/06**
- Smoking Cessation – A - 4/08, B -7/08, **C – 10/08**

**Finished issues – Professional Standards:**

- Utilization review/IME’s – A-1/97, **C-6/97**
- Board policies – A-1/97, B-4/97, **C-6/97**
- Standards for first time dental patients – A-1/97, **C-4/97**
- Infection control consultant training – A-1/97, **C-3/97**

- Procedures for continuing education confirmation – A-1/97, B-12/97, R-12/97, **C-11/98**
- Conflict of interest policy-in concert with CDA/CDHA, etc. – A-1/97, **C-4/97**
- Policy on patient abandonment – A-1/97, **C-8/02**
- Computer software and electronic dental records standards – A-1/97, **C-8/02**
- Suggested changes to the Risk Management Courses being offered by The Trust – A-1/97,C
- Use of Laser by DH – A-9/02,C
- Underage patients and consent form – A-4/03
- Dismissal Letter, Complaint Acknowledgement Letter, Information Letter, Complaint Form, and Consumer Guide – A-6/03,C-1-/06

**Deleted Items:**

- Pain management clinic – determine the ownership relationship between the many professionals listed to include Dr. Ellingson, D.D.S., - A-1/97, **D-1/99**
- Court of Appeals case, Hannigan vs. CO. Real Estate Commission – A-1/97, **D-1/99**
- Licensing requirement – practice location – A-6/99, **D-9/99**
- Dentist’s ability to make money while license is suspended – A-1/97, **D-9/99**
- DH & dental assistant delegatable functions – matrix handout – A-1/97, B-1/99, R-3/99, **D-9/99**
- Clindamycin – **D-9/02**
- Peer Review resolutions, reporting of settlements – A-1/99, **D-9/02**
- Teleradiology **D-4/08**

*Signed by F. Robert Murphy, DDS*

*October 22, 2008*

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**F. Robert Murphy, DDS**  
**Board Chairperson**

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**Date**